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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

14 CR 550 (PKC)

JOHN RE,

Defendant.

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New York, N.Y.
December 1, 2014
12:39 p.m.

Before:

HON. P. KEVIN CASTEL,

District Judge

APPEARANCES

PREET BHARARA,

United States Attorney for the
Southern District of New York

BY: ANDREW ADAMS

Assistant United States Attorney

CHRISTOPHER FLOOD

ANNALISA MIRON

Attorneys for Defendant

ALSO PRESENT: MEREDITH SAVONA, FBI
DETECTIVE BRETT CARLSON

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(In open court)

(Case called)

MR. ADAMS: Good afternoon, Your Honor. Andrew Adams for the United States, and with me at counsel table is Special Agent Meredith Savona of the Federal Bureau of Investigations, and Detective Brett Carlson of the Suffolk County Police Department.

THE COURT: All right. Good afternoon to you all.

And for the defendant?

MS. MIRON: Federal Defenders by Annalisa Miron and Christopher Flood, on behalf of John Re.

THE COURT: All right. Good afternoon to both of you, and afternoon, Mr. Re.

THE DEFENDANT: Good afternoon.

THE COURT: Mr. Re, I've been advised that you wish to enter a plea of guilty to Count One of the indictment; is that correct, sir?

THE DEFENDANT: That's correct, Your Honor.

THE COURT: All right. Before I can accept the guilty plea from you, I must satisfy myself that you understand the rights you would have if this case went to trial and the rights you're giving up by pleading guilty. Also, that there's a factual basis for your plea of guilty and that you understand the consequences of pleading guilty.

So in a minute I'm going to have the clerk administer

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1 the oath to you. After I administer the oath, I'm going to
 2 inform you of certain rights and ask you certain questions. If
 3 I ask you something or I tell you something and you don't quite
 4 understand, please let me know, and I'll put it into different
 5 words. Also, if at any time today you wish to speak in private
 6 with your lawyers, I'll give you an opportunity to do that. Do
 7 you understand all of that?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: All right. Please stand and the clerk
 10 will administer the oath.

11 (Defendant sworn)

12 THE COURT: All right. Please state your full name
 13 for the record.

14 THE DEFENDANT: John Darren Re.

15 THE COURT: All right. You are under oath, Mr. Re,
 16 and your answers to my questions are subject to the penalties
 17 of perjury or of making a false statement if you do not answer
 18 truthfully. Also, any statement you make today may be used in
 19 any such prosecution. Do you understand that?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: How old are you?

22 THE DEFENDANT: 54.

23 THE COURT: How far did you go in school?

24 THE DEFENDANT: I got my G.E.D.

25 THE COURT: All right. Are you now or have you

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1	recently been under the care of a medical doctor?
2	THE DEFENDANT: Yes, sir.
3	THE COURT: For what condition?
4	THE DEFENDANT: Dissociative identity disorder.
5	THE COURT: All right. And do you take any
6	medications for that?
7	THE DEFENDANT: I take three different kinds of
8	medications.
9	THE COURT: And what are those medications?
10	THE DEFENDANT: Klonopin, Latuda and Serquel.
11	THE COURT: All right. Do they affect the clarity of
12	your thinking?
13	THE DEFENDANT: Sometimes they make things more clear.
14	THE COURT: All right. How do you feel today?
15	THE DEFENDANT: Nervous.
16	THE COURT: Is your mind clear?
17	THE DEFENDANT: I hear what you're saying.
18	THE COURT: Well, that's a somewhat different
19	question.
20	THE DEFENDANT: I understand.
21	THE COURT: Pardon me?
22	THE DEFENDANT: I understand.
23	THE COURT: But would you prefer to adjourn this
24	proceeding to another day?
25	THE DEFENDANT: No, sir.

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1 THE COURT: You say sometimes the medication makes you
2 think more clearly. Are you taking the medication on a regular
3 basis?
4 THE DEFENDANT: Yes, I have been.
5 THE COURT: All right. And you did, in fact, take
6 your medication on schedule prior to coming here today?
7 THE DEFENDANT: Yes.
8 THE COURT: And is your mind clear today?
9 THE DEFENDANT: I understand what's being said
10 clearly.
11 THE COURT: All right. And are you able to process
12 what's being said to you?
13 THE DEFENDANT: Yes.
14 THE COURT: All right. Have you ever been treated for
15 any other mental illness?
16 THE DEFENDANT: Yes.
17 THE COURT: What other mental illness?
18 THE DEFENDANT: I have been committed, and I don't
19 remember what the diagnoses was.
20 THE COURT: How long ago were you committed?
21 THE DEFENDANT: First time was in the '80s. The
22 second time was in the '90s somewhere. I have no recollection
23 of the actual year.
24 THE COURT: All right. And approximately how long
25 were each of those commitments?

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1 THE DEFENDANT: Weeks.

2 THE COURT: All right. And when you say weeks, was it

3 less than a month?

4 THE DEFENDANT: One was a little more, one was less.

5 THE COURT: All right. Okay. Do you have any other

6 conditions, physical or mental?

7 THE DEFENDANT: No.

8 THE COURT: All right. Let me inquire of Ms. Miron.

9 You've had occasion to communicate with your client from time

10 to time. Do you have a view as to whether or not he is

11 competent to enter an informed plea today?

12 MS. MIRON: Your Honor, Mr. Flood and I have

13 communicated extensively with Mr. Re. We are confident that he

14 is competent to enter the plea.

15 THE COURT: All right. And, Mr. Flood, your

16 observations, sir?

17 MR. FLOOD: Your Honor, I concur completely with

18 Ms. Miron.

19 THE COURT: All right. And is the government aware of

20 any reason why this Court should not find Mr. Re competent to

21 enter an informed plea?

22 MR. ADAMS: No, your Honor.

23 THE COURT: All right. Based upon my observations of

24 Mr. Re, the statement of his counsel, his responses to my

25 questions, I find that he is fully competent to enter an

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1 informed plea.

2 Now, Mr. Re, have you, in fact, discussed the charges

3 against you with your lawyers, Miss Miron and Mr. Flood?

4 THE DEFENDANT: Yes, I have.

5 THE COURT: Have you had enough time to consider all

6 of your options in this case?

7 THE DEFENDANT: Yes, I have.

8 THE COURT: Are you satisfied with your lawyers' representation of you?

9 THE DEFENDANT: Yes, I am.

10 THE COURT: All right. I'm now going to explain to

11 you the rights that you would have if this case went to trial

12 and the rights you are giving up by pleading guilty. Under the

13 Constitution and laws of the United States, you are entitled to

14 a speedy and public trial by an impartial jury on the charges

15 contained in the indictment. Do you understand that?

16 THE DEFENDANT: Yes.

17 THE COURT: At such a trial, you would not have to

18 prove that you were innocent. The government would be required

19 to prove each element of each crime by proof beyond a

20 reasonable doubt before you could be found guilty. A jury of

21 12 people would have to agree unanimously that you were guilty.

22 Do you understand all that?

23 THE DEFENDANT: Yes.

24 THE COURT: If there were a trial, at every stage of

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1 Your case, you would be entitled to be represented by a lawyer,
2 and if you could not afford a lawyer, one would be appointed at
3 public expense. Do you understand all of that?

4 THE DEFENDANT: Yes.

5 THE COURT: If there were a trial, the witnesses for
6 the government would have to come to court to testify. You
7 would be able to see and hear them. Your lawyer could question
8 them through cross-examination. Your lawyer could object to
9 evidence presented by the government. Your lawyer could
10 present evidence and could ask the Court to compel witnesses to
11 appear at trial on your behalf. Do you understand all of that?

12 THE DEFENDANT: Yes, I do.

13 THE COURT: If there were a trial, you would have the
14 right to testify, if you chose to do so. You could come up
15 here and take the witness stand. Also, you would have the
16 right not to testify, and no one would be permitted to draw any
17 inference or suggestion of guilt from the fact that you decided
18 not to testify. Do you understand all of that?

19 THE DEFENDANT: Yes.

20 THE COURT: If there were a trial and the jury found
21 you guilty, you would have a right to appeal that finding. Do
22 you understand that?

23 THE DEFENDANT: Yes.

24 THE COURT: Now, those are the rights you would have
25 if you went to trial. If you plead guilty and I accept that

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1 guilty plea, there will be no trial. You will proceed to the
 2 sentencing phase in which the Court will determine the
 3 punishment to be imposed upon you. You will have a right to an
 4 attorney throughout that process. Do you understand all that?
 5 THE DEFENDANT: Yes.
 6 THE COURT: Even now, you have the right to change
 7 your mind. Instead of pleading guilty, you may plead not
 8 guilty and go to trial. Do you wish to plead not guilty and go
 9 to trial?
 10 THE DEFENDANT: No.
 11 THE COURT: All right. Do you understand that you are
 12 charged in Count One of the indictment with the crime of wire
 13 fraud and that the maximum penalty for that crime is 20 years'
 14 imprisonment, three years' supervised release, a maximum fine
 15 of the greatest of \$250,000 or twice the gross monetary or
 16 pecuniary gain derived from the offense or twice the gross
 17 pecuniary loss to persons other than yourself resulting from
 18 the offense and a \$100 mandatory special assessment. Do you
 19 understand all of that?
 20 THE DEFENDANT: Yes.
 21 THE COURT: In addition, the Court must order that you
 22 make restitution to any person who I find was injured by reason
 23 of your conduct. Do you understand that?
 24 THE DEFENDANT: Yes.
 25 THE COURT: Miss Milton, is your client intending to

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1 admit the forfeiture allegations in paragraphs 2 and 3 today?

2 MS. MIRON: He is.

3 THE COURT: All right. Thank you.

4 Now, I mentioned that in addition to a maximum penalty

5 of 20 years' imprisonment, there is also the possibility of

6 three years' supervised release, and supervised release governs

7 the period after you complete a term of imprisonment.

8 So say you receive a prison term, followed by a term

9 of three years' supervised release, and you live up to the

10 terms of supervised release for two years, but then you violate

11 one of the terms, you can be returned to prison for a full

12 period of three years. Do you understand that, sir?

13 THE DEFENDANT: Yes, I do.

14 THE COURT: Are you a United States citizen?

15 THE DEFENDANT: Yes, I am.

16 THE COURT: One of the consequences of pleading guilty

17 is that you may give up other valuable civil rights, such as

18 the right to vote, to hold public office, to sit on a jury, to

19 possess a firearm, to hold certain licenses, to obtain certain

20 government benefits. Do you understand all that?

21 THE DEFENDANT: Yes, I do.

22 THE COURT: Are you serving any other sentence, state

23 or federal, or being prosecuted in any other court for any

24 other crime?

25 THE DEFENDANT: No.

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1 MS. MIRON: Your Honor, just one moment.

2 THE COURT: Sure.

3 (Pause)

4 THE DEFENDANT: Your Honor, there is one other thing

5 that I didn't think about as criminal, it's the tax evasion

6 charge like from the state, and I have to deal with them with

7 that. I haven't negotiated anything with them yet, but that

8 will come in the future.

9 THE COURT: All right. The important thing for you to

10 understand, Mr. Re, is any punishment you receive from that

11 case is wholly separate and apart from any punishment you

12 receive in this case.

13 This Court will impose a sentence on you, and that

14 sentence will have nothing to do with the state court sentence.

15 There will be no credit, no concurrent term or the like from

16 this court, and you should understand that. Do you understand

17 that, sir?

18 THE DEFENDANT: Yes.

19 THE COURT: Okay. In sentencing you, I will receive a

20 presentence report prepared by the Office of Probation that

21 gives me background information and a recommended range of

22 sentence under the sentencing guidelines.

23 After hearing from your lawyers and from the

24 government, I will make my own determination of the correct

25 guideline range that applies in this case. Even after

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1 determining the correct guideline range, I need not follow it
 2 and can sentence you all the way up to the statutory maximum.
 3 The guidelines are advisory, and they are not binding
 4 on the Court. They are one of the factors that the Court takes
 5 account of under the sentencing statute, which is commonly
 6 known as section 3553(a). Do you understand all that?
 7 THE DEFENDANT: I understand what you're saying.
 8 THE COURT: All right. And have you discussed how
 9 sentencing works with your lawyers?
 10 THE DEFENDANT: Yes, some. Somewhat, yes.
 11 THE COURT: All right. Do you have any questions for
 12 me on the sentencing process?
 13 THE DEFENDANT: I don't know, your Honor. It's a lot
 14 for me. I'm just trying to --
 15 THE COURT: All right. Well, why don't we take a
 16 five-minute recess, and you can discuss this with your lawyers.
 17 And if you have any questions for me, I'd be pleased to answer
 18 them. All right?
 19 THE DEFENDANT: Thank you.
 20 THE COURT: So let's take five minutes.
 21 (Recess)
 22 THE COURT: All right. Please be seated. We took a
 23 little bit longer recess, but my question is now, Mr. Re, have
 24 you had a chance to speak with your lawyers, and have you, in
 25 fact, spoken with your lawyers on the subject of how sentencing

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1 works?

2 THE DEFENDANT: Yes, I have.

3 THE COURT: All right. Do you have any questions for

4 me at this stage?

5 THE DEFENDANT: At this stage, no, Your Honor.

6 THE COURT: All right. If at any point today you have

7 any questions for me, I would very much appreciate it if you

8 would just tell me, and I will do my best to answer the

9 question.

10 THE DEFENDANT: Okay.

11 THE COURT: All right. Now, I understand there's been

12 a plea agreement between you and the government, and that it is

13 set forth in a six-page letter agreement on the letterhead of

14 the U.S. Department of Justice dated November 19, 2014, and

15 addressed to Annalisa Miron. I'm going to ask the clerk to

16 place that document in front of you. And the question is: Is

17 that your plea agreement with the government?

18 THE DEFENDANT: Yes.

19 THE COURT: All right. Is that your signature on the

20 last page?

21 THE DEFENDANT: Yes.

22 THE COURT: Did you read the plea agreement before you

23 signed it?

24 THE DEFENDANT: I had read it earlier.

25 THE COURT: Yes. And did you discuss it with your

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1 lawyer before you signed it? THE DEFENDANT: Yes.

2 THE COURT: Did you ask questions about it before you signed it?

3 THE DEFENDANT: Yes.

4 signed it?

5 THE DEFENDANT: Yes.

6 THE COURT: Did you understand it before you signed it?

7 it?

8 THE DEFENDANT: Maybe not as well as a lawyer, but I understood it in a layman's terms.

9 THE COURT: All right. Has anyone threatened you or forced you in any way to enter into the plea agreement or to plead guilty?

10 THE DEFENDANT: No.

11 THE COURT: Has anyone given you anything of value, any inducements to enter into the plea agreement or to plead guilty?

12 THE DEFENDANT: No.

13 THE COURT: Does the plea agreement contain all of your understandings with the government?

14 THE DEFENDANT: Yes.

15 THE COURT: All right. Let me ask Ms. Miron, if you would kindly state for the record the review process.

16 MS. MIRON: Yes, your Honor. Mr. Re, who lives in East Hampton came to our office last week. We discussed the plea agreement. He read it. I discussed it with him, reviewed

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(212) 805-0300

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One of the features of your plea agreement with the

sentence all the way up to the statutory maximum.

determining those guidelines, I need not follow them. I can

calculate the guidelines that apply in your case and even after

the court. As I said to you before, I have my own duty to

you and it's binding on the government, but it's not binding on

THE COURT: All right. That agreement is binding on

THE DEFENDANT: To my knowledge, yes.

imprisonment. Is that correct?

to imprisonment, is a range of 37 months' to 46 months'

indeed, that stipulated guideline range, insofar as it relates

on a stipulated guideline range that applies in this case and,

with the government is that you and the government have agreed

THE COURT: Now, one of the features of your agreement

THE DEFENDANT: Yes.

your guilty plea. Do you understand that?

turns out to be wrong, you will not be permitted to withdraw

the court may give you is not binding on the court, and if it

made to you, including your own lawyers, as to what sentence

that any prediction, calculation or estimate that anyone has

THE COURT: Thank you. I want you to know, Mr. Re,

agreement.

confident that he understands the provisions in the plea

He did have some questions, and we answered those. So I'm

the important provisions, asked if there were any questions.

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1 government is that if I should sentence you within the
2 stipulated guideline range set forth in the plea agreement, 37
3 to 46 months or above that range, the government has agreed not
4 to appeal the sentence. But you have agreed that if I sentence
5 you to a term of 37 months' imprisonment or anything up to 46
6 months' imprisonment, that you will -- or if I sentence you
7 below that range, so if I sentence you to something less than
8 37 months in prison, that you will not appeal or collaterally
9 attack the sentence in any other proceeding.
10 So in other words, you have waived your right to
11 appeal a sentence, unless the sentence is more than 46 months'
12 imprisonment, the imprisonment part is more than 46 months and,
13 in that event, the law will only allow you to appeal on the
14 basis that the sentence is unreasonable or contrary to law. Do
15 you understand all of that?
16 THE DEFENDANT: Yes, I do.
17 THE COURT: All right. Do you have any questions
18 about any of that?
19 THE DEFENDANT: No, sir.
20 THE COURT: Okay. Now, I'm going to have the
21 government attorney set forth the elements of the crime to
22 which you have offered to plead guilty, and these are the
23 elements that the government must prove beyond a reasonable
24 doubt, and I will also ask the government to tell me how the
25 government would go about proving the case.

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1 MR. ADAMS: Your Honor, with respect to the elements
 2 of wire fraud, there are three. First, that there was a scheme
 3 or artifice to defraud or to obtain money or property by
 4 materially false and fraudulent pretenses, representations or
 5 promises; second, that the defendant knowingly and willfully
 6 participated in that scheme or artifice to defraud with
 7 knowledge of its fraudulent nature and specific intent to
 8 defraud; and, third, that in the execution of that scheme, the
 9 defendant used or caused the use of interstate wires.
 10 Were this case to go to trial, the nature of the
 11 government's testimony and evidence would be as follows:
 12 First, witness testimony regarding the Schulte household, that
 13 is the household at which Mr. Re claims to have found a large
 14 trove of purportedly very valuable paintings. What we would
 15 put on would be testimony from numerous witnesses, as well as
 16 documents from the estate of George Schulte demonstrating that
 17 no such paintings were ever in that house and that provenance
 18 for those paintings was fabricated.
 19 Second, and perhaps the most voluminous part of the
 20 government's case, would be e-mail correspondence between
 21 Mr. Re and others demonstrating, among other things, his
 22 attempt to sell those paintings and such paintings using the
 23 fabricated provenance, his attempt to have others engage in
 24 what we would call shell bidding. That is, to go onto online
 25 auction sites and to raise the public price of these paintings

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1 by putting bids on the painting that the bidder had no
 2 intention of actually paying for the purpose of increasing the
 3 perception of value.
 4 We would also be putting on e-mail evidence
 5 demonstrating Mr. Re's repeated use of the false provenance.
 6 We would put on the result of expert testing of approximately
 7 of over 40 different Jackson Pollack paintings, which uniformly
 8 came back negative, as well as recordings of Mr. Re and his
 9 victims discussing those test results at a time before Mr. Re
 10 ceased attempting to sell Jackson Pollacks using the same
 11 provenance. Thank you.
 12 THE COURT: Mr. Re, please tell me in your own words
 13 what you did that leads you to believe that you are guilty of
 14 the crime charged in Count One of the indictment?
 15 THE DEFENDANT: Yes, sir. Sometime not too long
 16 before 2005, I acquired artwork that I bought in a storage unit
 17 in Manhattan. I was not given any information as to the origin
 18 of the artwork from the storage unit manager. Being a
 19 woodworker at the time, I had several people with expertise
 20 view the artwork. They told me that it was possibly attributed
 21 to Jackson Pollack and William Dekooning.
 22 Previous to that, I had been employed at a shop that
 23 was previously owned by George Schulte before he had died in
 24 1996, of East Hampton Springs, New York, who I thought possibly
 25 knew Jackson Pollack in the late '40s and early '50s. I

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1 thought to represent to the buyers that the artwork came from
 2 the George Schulte basement, being a feasible origin, even
 3 though, in fact, it did not. I knew the buyers would purchase
 4 the artwork with more confidence having, given it a possible
 5 provenance, that it had the possibilities of giving a
 6 connection to the artist.
 7 There were several buyers who purchased artwork
 8 through eBay and PayPal, also.
 9 Your Honor, I'm not going to sit here and claim that
 10 making up the Schulte provenance was out of ignorance. It was
 11 out of arrogance, and my misconduct has brought shame to my
 12 family and myself, and I hurt other people. Mostly, I think
 13 about the people that are angry that have spent money, and I
 14 want to make it better. I don't know if I can. I don't expect
 15 by saying that I'm sorry will make a difference. However, in
 16 my heart, I'm more than sorry.
 17 Some of my family has not spoken to me since I've
 18 gotten in trouble, and that has hurt me almost as deeply as the
 19 people that bought the pieces. I want to make it better. I
 20 even went so far as to, when I had the ability, I wanted to
 21 give collector No. 1 back what he had paid, but he didn't want
 22 to give the pieces back. And I still want to try and do
 23 whatever I can to take responsibility for what I did.
 24 THE COURT: Thank you, Mr. Re. Let me hear from the
 25 government on venue.

(212) 805-0300

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1 MR. ADAMS: Yes, your Honor. Venue in this case is
2 founded on a number of things, primarily, the location of
3 several of the fraudulent artworks having come to Manhattan for
4 inspection by various victims, or potential victims, as well as
5 meetings between Mr. Re and potential victims that occurred in
6 Manhattan.
7 With respect to interstate wires and its connection to
8 venue as well --
9 THE COURT: Yes.
10 MR. ADAMS: -- Mr. Re caused wires to be sent from
11 Colorado and outside of New York to a representative of a
12 potential victim here in Manhattan in furtherance of the
13 scheme.
14 THE COURT: All right. Mr. Re, did you, in fact, meet
15 with one of the victims or potential victims in Manhattan in
16 connection with this criminal activity?
17 THE DEFENDANT: Not that I recall, your Honor.
18 MS. MIRON: Just one moment, your Honor.
19 THE COURT: Yes.
20 MS. MIRON: Just one moment.
21 THE COURT: Take your time.
22 (Pause)
23 MS. MIRON: Your Honor, I just had to clarify some
24 facts with the government, but yes, Mr. Re is prepared to talk
25 about the meeting.

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1 THE DEFENDANT: There was a meeting in Manhattan, but
 2 it wasn't run by me, but it was concerning the Pollacks.
 3 THE COURT: Were you present during the meetings?
 4 THE DEFENDANT: The first meeting, no, I was not.
 5 THE COURT: Was there a second meeting?
 6 THE DEFENDANT: There was a second meeting done by
 7 Steve Fisher Security's guy -- man, and I was present during
 8 that meeting.
 9 THE COURT: All right. And that was in Manhattan?
 10 THE DEFENDANT: Yes, I was there with Leo Mangano.
 11 THE COURT: All right. And in connection with one of
 12 the victims, did you cause an e-mail to be sent from someplace
 13 in Colorado into New York regarding the transactions?
 14 THE DEFENDANT: Leo Mangano is from Colorado, and we
 15 have e-mailed each other a lot.
 16 THE COURT: All right. Okay. And that was in
 17 connection with this criminal scheme?
 18 THE DEFENDANT: Yes.
 19 THE COURT: All right. Does the government agree
 20 there's a sufficient factual predicate for a plea of guilt?
 21 MR. ADAMS: There is, Your Honor. I do agree. There
 22 is one further relatively unusual provision in the plea
 23 agreement that is a factual stipulation. I believe that what
 24 Mr. Re has allocated to satisfies that portion of the plea
 25 agreement as well, but I'd just like to put the stipulation in

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(212) 805-0300

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1 the record to confirm that.

2 The stipulations are as follows, that at no time has

3 Mr. Re ever discovered or sold any work of art found in the

4 basement of the home formerly belonging to George and Barbara

5 Schulte; and that he knowingly and fraudulently fabricated the

6 provenance for every work of art for which he claimed that the

7 provenance included prior ownership by George or Barbara

8 Schulte. Thank you, Your Honor.

9 THE COURT: Mr. Re, those statements that the

10 government prosecutor just read, are they correct?

11 THE DEFENDANT: Yes.

12 THE COURT: And do you agree to them?

13 THE DEFENDANT: Yes.

14 THE COURT: All right. Does defense counsel agree

15 that there's a sufficient factual predicate for a plea of

16 guilt in this case?

17 MS. MIRON: Yes.

18 THE COURT: Does defense counsel agree that there is a

19 basis for venue in this case?

20 MS. MIRON: Yes.

21 THE COURT: Does defense counsel agree that the

22 interstate wire requirement is satisfied in this case and the

23 interstate commerce requirement?

24 MS. MIRON: Yes.

25 THE COURT: All right. Mr. Re, do you have any

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(212) 805-0300

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1 questions for me?

2 THE DEFENDANT: No, sir.

3 THE COURT: With regard to the charge in Count One of

4 the indictment, how do you plead, guilty or not guilty?

5 THE DEFENDANT: Guilty.

6 THE COURT: With regard to the forfeiture allegations

7 in paragraphs 2 and 3 of the indictment, do you admit those

8 allegations, or do you deny those allegations?

9 THE DEFENDANT: I admit them.

10 THE COURT: Based upon your responses to my questions

11 and my observations of your demeanor, I find that you know your

12 rights, you know the consequences of pleading guilty, and

13 there's a factual basis for your plea of guilty. Your plea of

14 guilty and your admission of the forfeiture allegations are

15 accepted.

16 Further, I find that the plea agreement was knowingly

17 and voluntarily entered into, and specifically that you

18 knowingly and voluntarily entered into the waiver provision

19 which waives your right to appeal or collaterally attack a

20 sentence under certain circumstances.

21 I will order a presentence investigation and report

22 and direct that no interview of you take place unless your

23 lawyer is present. It's important you be candid and truthful

24 with the people who prepare the presentence report. Tell them

25 the good things and the not-so-good things. The report will be

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1 important in my decision on sentencing.

2 Before the day of sentencing, you will have the

3 opportunity to review the report. I urge you to go through it

4 carefully. If there are any mistakes, point them out to your

5 lawyer so that she can point them out to me. Sentencing in

6 this case is set for April 10th, 2015, at 2:00 p.m. Any

7 objection to bail continuing until sentencing?

8 MR. ADAMS: No objection, your Honor.

9 THE COURT: All right. Mr. Re, you must be present

10 for sentencing on April 10th, 2015, at 2:00 p.m. or any adjourn

11 date of the sentencing, or you will be guilty of a separate

12 crime, bail jumping, and subject to imprisonment for up to five

13 years and a \$250,000 fine, in addition to any punishment that

14 you would receive for the crime for which you've just pled

15 guilty. Do you understand that, sir?

16 THE DEFENDANT: Yes.

17 THE COURT: All right. Anything further from the

18 government?

19 MR. ADAMS: No, your Honor. Thank you.

20 THE COURT: From the defendant?

21 MS. MIRON: No, your Honor. Thank you.

22 THE COURT: Thank you all very much.

23 (Adjourned)

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